THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27241 of 2005

Date: 12.09.2007

Between:

M/s. Cannon Industries
R.R. District, rep., by its Proprietor
Sri Ashok Kumar

... Petitioner

AND

M/s. Central Power Distribution
Company of A.P., Limited,
Singareni Bhavan, Red Hills,
Hyderabad and two others.

... Respondents

Counsel for the petitioner : Sri N. Raghavan

Counsel for the respondents : Sri S.V. Ramana for
Standing Counsel for APCPDCL

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27241 of 2005

ORDER:-

This writ petition is filed for a writ of Certiorari to quash the demand dated 01.06.2005 issued by respondent No.3 as illegal and arbitrary. The petitioner also sought for quashing of the demand of Rs.7135=08 towards delayed payment of the additional consumption deposit.

The petitioner is an industry holding service connection for supply of electricity by the respondents. In the impugned communication, it is called upon to furnish security equivalent to two months consumption charges (in un-numbered para 2 it is shown as 3 months' charges).

Heard Sri N. Raghavan, learned counsel for the petitioner and Sri S.V. Ramana representing learned Standing Counsel for the respondents.

Learned counsel for the petitioner fairly submitted that as his client realized that under the relevant terms and conditions of supply, it is liable to deposit the amount towards security equal to two months' consumption charges, it is not intending to contest the said demand at this stage. He, however, requests for grant of a reasonable time for the petitioner to enable it to pay the balance of the said amount. He further submitted that his client is not liable

to pay the interest charges of Rs.7135=08.

Sri S.V. Ramana fairly conceded that if the petitioner is willing to pay the balance amount, a reasonable time may be granted to it for payment. As regards interest, he submitted that under the terms and conditions of supply, delayed payment attracts interest charges and therefore in view of the admitted delay, the petitioner is liable to pay the interest demanded in the bill dated 01.12.2005.

In view of the submission of the learned counsel for the petitioner that the petitioner is willing to pay the balance amount demanded towards the additional consumption deposit, the necessity of examining the demand on merits by this Court is obviated. However, in order to enable the petitioner to pay the balance amount, as requested by the learned counsel for the petitioner, I deem it appropriate to grant two months time to the petitioner for payment of the same.

With regard to interest, though the learned Standing Counsel has submitted that the petitioner is liable to pay the same under the terms and conditions of supply, neither he referred to the particular condition under which the petitioner is liable to pay interest nor he placed a set of the terms and conditions before the Court. In the absence of the same, it is not possible for this Court to adjudicate on the said issue. It is therefore deemed expedient to permit the petitioner to make a representation to respondent No.3 with respect to the payment of interest within two weeks from today and on such representation being made, respondent No.3 shall decide whether the petitioner is liable to pay interest or not. Till respondent No.3 decides the said issue, the amount of

Rs.7135=08 shown towards interest in bill dated 01.12.2005 shall not be recovered from the petitioner nor the power supply shall be disconnected for non-payment of the said amount. Ordered accordingly.

Subject to the above, the writ petition is disposed of. No costs.

As a sequel to disposal of the writ petition, WPMP.No.34995 of 2005 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V.NAGARJUNA REDDY, J

Date: 12.09.2007
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